

1                   A bill to be entitled  
2           An act relating to firesafety; creating the  
3           Independent Special Fire Control District Act;  
4           prescribing uniform criteria for operation of  
5           independent special fire control districts;  
6           preempting certain special acts and general  
7           acts of local application; providing for the  
8           election of district boards of commissioners;  
9           providing for conformance by existing  
10          districts; authorizing certain exceptions;  
11          providing for officers of such boards;  
12          providing for commissioners' compensation and  
13          expenses; requiring a bond; providing general  
14          and special powers of districts; exempting  
15          district assets and property from taxation;  
16          providing requirements and procedures for the  
17          levy of ad valorem taxes, non-ad valorem  
18          assessments, user charges, and impact fees;  
19          providing for referenda; providing for  
20          enforcement; providing requirements and  
21          procedures for issuance of bonds; providing for  
22          referenda; providing for organization of county  
23          fire chiefs; providing requirements for  
24          creation, expansion, and merger of such  
25          districts; amending s. 316.072, F.S.; providing  
26          penalties for failure to obey orders or  
27          directions of fire department members at the  
28          scene of rescue operations or other  
29          emergencies; providing notwithstanding the  
30          provisions of this paragraph, certified EMS  
31          providers or paramedics may provide response

1 and treatment at the scene of emergencies and  
2 transport to patients in performance of their  
3 duties as an emergency medical services  
4 provider licensed under chapter 401 and in  
5 accordance with any local emergency medical  
6 response protocols; requiring existing fire  
7 control districts to submit draft codified  
8 charters to the Legislature for codification;  
9 providing an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13 Section 1. Short title.--Sections 1-13 may be cited as  
14 the "Independent Special Fire Control District Act."

15 Section 2. Legislative intent.--The purposes of this  
16 act are to:

17 (1) Provide standards, direction, and procedures  
18 concerning the operations and governance of independent  
19 special fire control districts.

20 (2) Provide greater uniformity in independent special  
21 fire control district operations and authority.

22 (3) Provide greater uniformity in the financing  
23 authority of independent special fire control districts  
24 without hampering the efficiency and effectiveness of  
25 currently authorized and implemented methods and procedures of  
26 raising revenue.

27 (4) Improve communication and coordination between  
28 special fire control districts and other local governments  
29 with respect to short-range and long-range planning to meet  
30 the demands for service delivery while maintaining fiscal  
31 responsibility.

1           (5) Provide uniform procedures for electing members of  
2 the governing boards of independent special fire control  
3 districts to ensure greater accountability to the public.

4           Section 3. Definitions.--As used in this act:

5           (1) "Board" means the governing board of a district.

6           (2) "District" means an independent special fire  
7 control district as provided in this act.

8           (3) "Elector" means a person who is a resident of the  
9 district and is qualified to vote in a general election within  
10 the local general-purpose government jurisdiction in which the  
11 district is located.

12           (4) "Emergency medical service" means basic and  
13 advanced life support service as defined in s. 401.23, Florida  
14 Statutes.

15           (5) "Independent special fire control district" means  
16 an independent special district as defined in s. 189.403,  
17 Florida Statutes, created by special law or general law of  
18 local application, providing fire suppression and related  
19 activities within the jurisdictional boundaries of the  
20 district. The term does not include a municipality, a county,  
21 a dependent special district as defined in s. 189.403, Florida  
22 Statutes, a district providing primarily emergency medical  
23 services, a community development district established under  
24 chapter 190, Florida Statutes, or any other multiple-power  
25 district performing fire suppression and related services in  
26 addition to other services.

27           (6) "Rescue response service" means an initial  
28 response to an emergency or accident situation, including, but  
29 not limited to, a plane crash, a trench or building collapse,  
30 a swimming or boating accident, or a motor vehicle accident.

31

1           Section 4. Preemption of special acts and general acts  
 2 of local application.--Each district, regardless of any other,  
 3 more specific provision of any special act or general law of  
 4 local application creating the charter of the district, shall  
 5 comply with this act. It is the intent of the Legislature  
 6 that the provisions of this act supersede all special act or  
 7 general law of local application provisions which contain the  
 8 charter of an independent special fire control district and  
 9 which address the same subjects as this act, except as such  
 10 acts or laws address district boundaries and geographical  
 11 subdistricts for the election of members of the governing  
 12 board. However, this act does not require any modification to  
 13 district financing or operations which would impair existing  
 14 contracts, including collective bargaining agreements, debt  
 15 obligations, or covenants and agreements relating to bonds  
 16 validated or issued by the district. Further, this act does  
 17 not repeal any authorization within a special act or general  
 18 law of local application providing for the levy and assessment  
 19 of ad valorem taxes, special assessments, non-ad valorem  
 20 assessments, impact fees, or other fees or charges by a  
 21 district.

22           Section 5. District boards of commissioners;  
 23 membership, officers, meetings.--

24           (1)(a) With the exception of districts whose governing  
 25 boards are appointed collectively by the Governor, the county  
 26 commission, and any cooperating city within the county, the  
 27 business affairs of each district shall be conducted and  
 28 administered by a five-member board. All three-member boards  
 29 existing on the effective date of this act shall be converted  
 30 to five-member boards, except those permitted to continue as a  
 31 three-member board by special act adopted in 1997 or

1 thereafter. The board shall be elected in nonpartisan  
2 elections by the electors of the district. Except as provided  
3 in this act, such elections shall be held at the time and in  
4 the manner prescribed by law for holding general elections in  
5 accordance with s. 189.405(2)(a) and (3), Florida Statutes,  
6 and each member shall be elected for a term of 4 years and  
7 serve until the member's successor assumes office. Candidates  
8 for the board of a district shall qualify with the county  
9 supervisor of elections in whose jurisdiction the district is  
10 located. If the district is a multicounty district,  
11 candidates shall qualify with the Department of State. All  
12 candidates may qualify by paying a filing fee of \$25 or by  
13 obtaining the signatures of at least 25 registered electors of  
14 the district on petition forms provided by the supervisor of  
15 elections which petitions shall be submitted and checked in  
16 the same manner as petitions filed by nonpartisan judicial  
17 candidates pursuant to s. 105.035, Florida Statutes.

18 (b)1. At the next general election following the  
19 effective date of this act, or on or after the effective date  
20 of a special act or general act of local application creating  
21 a new district, the members of the board shall be elected by  
22 the electors of the district in the manner provided in this  
23 section. The office of each member of the board is designated  
24 as being a seat on the board, distinguished from each of the  
25 other seats by a numeral: 1, 2, 3, 4, or 5. The numerical  
26 seat designation does not designate a geographical subdistrict  
27 unless such subdistrict exists on the effective date of this  
28 act, in which case the candidates must reside in the  
29 subdistrict, and only electors of the subdistrict may vote in  
30 the election for the member from that subdistrict. Each  
31 candidate for a seat on the board shall designate, at the time

1 the candidate qualifies, the seat on the board for which the  
2 candidate is qualifying. The name of each candidate who  
3 qualifies for election to a seat on the board shall be  
4 included on the ballot in a way that clearly indicates the  
5 seat for which the candidate is a candidate. The candidate  
6 for each seat who receives the most votes cast for a candidate  
7 for the seat shall be elected to the board.

8 2. If, on the effective date of this act, a district  
9 presently in existence elects members of its board, the next  
10 election shall be conducted in accordance with this section,  
11 but this section does not require the early expiration of any  
12 member's term of office by more than 60 days.

13 3. If, on the effective date of this act, a district  
14 does not elect the members of its board, the entire board  
15 shall be elected in accordance with this section. However, in  
16 the first election following the effective date of this act,  
17 seats 1, 3, and 5 shall be designated for 4-year terms and  
18 seats 2 and 4 shall be designated for 2-year terms.

19 4. If, on the effective date of this act, the district  
20 has an elected three-member board, one of the two seats added  
21 by this act shall, for the first election following the  
22 effective date of this act, be designated for a 4-year term  
23 and the other for a 2-year term, unless the terms of the three  
24 existing seats all expire within 6 months of the first  
25 election following the effective date of this act, in which  
26 case seats 1, 3, and 5 shall be designated for 4-year terms  
27 and seats 2 and 4 shall be designated for 2-year terms.

28 5. If the district has an elected three-member board  
29 designated to remain three members by special act adopted in  
30 1997 or thereafter, the terms of the board members shall be  
31 staggered. In the first election following the effective date

1 of this act, seats 1 and 3 shall be designated for 4-year  
2 terms, and seat 2 for a 2-year term.

3 (c) The board of any district may request the local  
4 legislative delegation that represents the area within the  
5 district to create by special law geographical subdistricts  
6 for board seats. Any board of five members or larger elected  
7 on a subdistrict basis as of the effective date of this act  
8 shall continue to elect board members from such previously  
9 designated subdistricts, and this act shall not require the  
10 elimination of board seats from such boards.

11 (2) Each member of the board must be a qualified  
12 elector at the time he or she qualifies and continually  
13 throughout his or her term.

14 (3) Each elected member of the board shall assume  
15 office 10 days following the member's election. Annually,  
16 within 60 days after the newly elected members have taken  
17 office, the board shall organize by electing from its members  
18 a chair, a vice chair, a secretary, and a treasurer. The  
19 positions of secretary and treasurer may be held by one  
20 member. Funds of the district may be disbursed only upon the  
21 order or pursuant to resolution of the board, by warrant or  
22 check signed by the treasurer or other person authorized by  
23 the board. However, a petty cash account may be authorized by  
24 the board. The board may give the treasurer additional powers  
25 and duties that it deems appropriate.

26 (4) Members of the board may each be paid a salary or  
27 honorarium to be determined by at least a majority-plus-one  
28 vote of the board, which salary or honorarium may not exceed  
29 \$500 per month for each member. Special notice of any meeting  
30 at which the board will consider a salary change for a board  
31 member shall be published at least once, at least 14 days

1 prior to the meeting, in a newspaper of general circulation in  
2 the county in which the district is located. Separate  
3 compensation for the board member serving as treasurer may be  
4 authorized by like vote so long as total compensation for the  
5 board member does not exceed \$500 per month. Members may be  
6 reimbursed for travel and per diem expenses as provided in s.  
7 112.061, Florida Statutes.

8 (5) If a vacancy occurs on the board due to the  
9 resignation, death, or removal of a board member or the  
10 failure of anyone to qualify for a board seat, the remaining  
11 members may appoint a qualified person to fill the seat until  
12 the next general election, at which time an election shall be  
13 held to fill the vacancy for the remaining term, if any. The  
14 board shall remove any member who has three consecutive,  
15 unexcused absences from regularly scheduled meetings. The  
16 board shall adopt policies by resolution defining excused and  
17 unexcused absences.

18 (6) Each member shall, upon assuming office, take and  
19 subscribe to the oath of office prescribed by s. 5(b), Art. II  
20 of the State Constitution and s. 876.05, Florida Statutes.  
21 Each member, within 30 days of assuming office, must give the  
22 Governor a good and sufficient surety bond in the sum of  
23 \$5,000, the cost thereof being borne by the district,  
24 conditioned on the member's faithful performance of his or her  
25 duties of office.

26 (7) The board shall keep a permanent record book  
27 entitled "Record of Proceedings of (name of district)," in  
28 which the minutes of all meetings, resolutions, proceedings,  
29 certificates, bonds given by commissioners, and corporate acts  
30 shall be recorded. The record book shall be open to  
31 inspection in the same manner as state, county, and municipal



1 records are open under chapter 119, Florida Statutes, and s.  
2 24, Art. I of the State Constitution. The record book shall  
3 be kept at the office or other regular place of business  
4 maintained by the board in the county or municipality in which  
5 the district is located.

6 (8) All meetings of the board shall be open to the  
7 public consistent with chapter 286, Florida Statutes, s.  
8 189.417, Florida Statutes, and other applicable general laws.

9 Section 6. General powers.--The district shall have,  
10 and the board may exercise by majority vote, the following  
11 powers:

12 (1) To sue and be sued in the name of the district, to  
13 adopt and use a seal and authorize the use of a facsimile  
14 thereof, and to make and execute contracts and other  
15 instruments necessary or convenient to the exercise of its  
16 powers.

17 (2) To provide for a pension or retirement plan for  
18 its employees. Notwithstanding the prohibition against extra  
19 compensation as provided in s. 215.425, Florida Statutes, the  
20 board may provide for an extra compensation program, including  
21 a lump-sum bonus payment program, to reward outstanding  
22 employees whose performance exceeds standards, if the program  
23 provides that a bonus payment may not be included in an  
24 employee's regular base rate of pay and may not be carried  
25 forward in subsequent years.

26 (3) To contract for the services of consultants to  
27 perform planning, engineering, legal, or other professional  
28 services.

29 (4) To borrow money and accept gifts, to apply for and  
30 use grants or loans of money or other property from the United  
31 States, the state, a unit of local government, or any person

1 for any district purposes and enter into agreements required  
2 in connection therewith, and to hold, use, sell, and dispose  
3 of such moneys or property for any district purpose in  
4 accordance with the terms of the gift, grant, loan, or  
5 agreement relating thereto.

6 (5) To adopt resolutions and procedures prescribing  
7 the powers, duties, and functions of the officers of the  
8 district, the conduct of the business of the district, the  
9 maintenance of records, and the form of other documents and  
10 records of the district. The board may also adopt ordinances  
11 and resolutions that are necessary to conduct district  
12 business, if such ordinances do not conflict with any  
13 ordinances of a local general purpose government within whose  
14 jurisdiction the district is located. Any resolution or  
15 ordinance adopted by the board and approved by referendum vote  
16 of district electors may only be repealed by referendum vote  
17 of district electors.

18 (6) To maintain an office at places it designates  
19 within a county or municipality in which the district is  
20 located and appoint an agent of record.

21 (7) To acquire, by purchase, lease, gift, dedication,  
22 devise, or otherwise, real and personal property or any estate  
23 therein for any purpose authorized by this act and to trade,  
24 sell, or otherwise dispose of surplus real or personal  
25 property. The board may purchase equipment by an installment  
26 sales contract if funds are available to pay the current  
27 year's installments on the equipment and to pay the amounts  
28 due that year on all other installments and indebtedness.

29 (8) To hold, control, and acquire by donation or  
30 purchase any public easement, dedication to public use,  
31 platted reservation for public purposes, or reservation for

1 those purposes authorized by this act and to use such  
2 easement, dedication, or reservation for any purpose  
3 authorized by this act consistent with applicable adopted  
4 local government comprehensive plans and land development  
5 regulations.

6 (9) To lease as lessor or lessee to or from any  
7 person, firm, corporation, association, or body, public or  
8 private, any facility or property of any nature for the use of  
9 the district when necessary to carry out the district's duties  
10 and authority under this act.

11 (10) To borrow money and issue bonds, revenue  
12 anticipation notes, or certificates payable from and secured  
13 by a pledge of funds, revenues, taxes and assessments,  
14 warrants, notes, or other evidence of indebtedness, and  
15 mortgage real and personal property when necessary to carry  
16 out the district's duties and authority under this act.

17 (11) To charge user and impact fees authorized by  
18 resolution of the board, in amounts necessary to conduct  
19 district activities and services, and to enforce their receipt  
20 and collection in the manner prescribed by resolution and  
21 authorized by law. However, the imposition of impact fees may  
22 only be authorized as provided by section 9(4).

23 (12) To exercise the right and power of eminent  
24 domain, pursuant to chapter 73 or chapter 74, Florida  
25 Statutes, over any property within the district, except  
26 municipal, county, state, special district, or federal  
27 property used for a public purpose, for the uses and purposes  
28 of the district relating solely to the establishment and  
29 maintenance of fire stations and fire substations,  
30 specifically including the power to take easements that serve  
31 such facilities consistent with applicable adopted local

1 government comprehensive plans and land development  
2 regulations.

3 (13) To cooperate or contract with other persons or  
4 entities, including other governmental agencies, as necessary,  
5 convenient, incidental, or proper in connection with providing  
6 effective mutual aid and furthering any power, duty, or  
7 purpose authorized by this act.

8 (14) To assess and impose upon real property in the  
9 district ad valorem taxes and non-ad valorem assessments as  
10 authorized by this act.

11 (15) To impose and foreclose non-ad valorem assessment  
12 liens as provided by this act or to impose, collect, and  
13 enforce non-ad valorem assessments pursuant to chapter 197,  
14 Florida Statutes.

15 (16) To select as a depository for its funds any  
16 qualified public depository as defined in s. 280.02, Florida  
17 Statutes, which meets all the requirements of chapter 280,  
18 Florida Statutes, and has been designated by the State  
19 Treasurer as a qualified public depository, upon such terms  
20 and conditions as to the payment of interest upon the funds  
21 deposited as the board deems just and reasonable.

22 (17) To provide adequate insurance on all real and  
23 personal property, equipment, employees, volunteer  
24 firefighters, and other personnel.

25 (18) To organize, participate in, and contribute  
26 monetarily to organizations or associations relating to the  
27 delivery of or improvement of fire control, prevention,  
28 emergency rescue services, or district administration.

29 Section 7. Exemption from taxation.--Since the  
30 exercise of the powers conferred by this act constitutes  
31 action by a political subdivision performing essential public

1 functions and since the property of each district constitutes  
2 public property used for public purposes, all assets and  
3 properties of each district, including property acquired  
4 through the foreclosure of any tax or assessment lien, are  
5 exempt from all taxes imposed by the state or any political  
6 subdivision, agency, or instrumentality of the state.

7 Section 8. Special powers.--Independent special fire  
8 control districts shall provide for fire suppression and  
9 prevention by establishing and maintaining fire stations and  
10 fire substations and acquiring and maintaining such  
11 firefighting and fire protection equipment deemed necessary to  
12 prevent or fight fires. All construction shall be in  
13 compliance with applicable state, regional, and local  
14 regulations, including adopted comprehensive plans and land  
15 development regulations. The board shall have and may  
16 exercise any or all of the following special powers relating  
17 to facilities and duties authorized by this act:

18 (1) Establish and maintain emergency medical and  
19 rescue response services and acquire and maintain rescue,  
20 medical, and other emergency equipment, pursuant to the  
21 provisions of chapter 401, Florida Statutes, and any  
22 certificate of public convenience and necessity or its  
23 equivalent issued thereunder.

24 (2) Employ, train, and equip such personnel, and  
25 train, coordinate, and equip such volunteer firefighters, as  
26 are necessary to accomplish the duties of the district. The  
27 board may employ and fix the compensation of a fire chief or  
28 chief administrator. The board shall prescribe the duties of  
29 such person, which shall include supervision and management of  
30 the operations of the district and its employees and  
31 maintenance and operation of its facilities and equipment.

1 The fire chief or chief administrator may employ or terminate  
2 the employment of such other persons, including, without  
3 limitation, professional, supervisory, administrative,  
4 maintenance, and clerical employees, as are necessary and  
5 authorized by the board. The compensation and other  
6 conditions of employment of the officers and employees of the  
7 district shall be provided by the board.

8 (3) Conduct public education to promote awareness of  
9 methods to prevent fires and reduce the loss of life and  
10 property from fires or other public safety concerns.

11 (4) Adopt and enforce firesafety standards and codes  
12 and enforce the rules of the State Fire Marshal consistent  
13 with the exercise of the duties authorized by chapter 553 or  
14 chapter 633, Florida Statutes, with respect to fire  
15 suppression, prevention, and firesafety code enforcement.

16 (5) Conduct arson investigations and cause-and-origin  
17 investigations.

18 (6) Adopt hazardous material safety plans and  
19 emergency response plans in coordination with the county  
20 emergency management agency as provided in chapter 252,  
21 Florida Statutes.

22 (7) Contract with general purpose local government for  
23 emergency management planning and services.

24 Section 9. Taxes; non-ad valorem assessments; impact  
25 fees and user charges.--

26 (1) AD VALOREM TAXES.--An elected board may levy and  
27 assess ad valorem taxes on all taxable property in the  
28 district to construct, operate, and maintain district  
29 facilities and services, to pay the principal of, and interest  
30 on, general obligation bonds of the district, and to provide  
31 for any sinking or other funds established in connection with

1 such bonds. An ad valorem tax levied by the board for  
2 operating purposes, exclusive of debt service on bonds, may  
3 not exceed 3.75 mills unless a higher amount has been  
4 previously authorized by law, subject to a referendum as  
5 required by the State Constitution and this act. The ballot  
6 question on such referendum shall state the currently  
7 authorized millage rate and the year of its approval by  
8 referendum. The levy of ad valorem taxes pursuant to this  
9 section must be approved by referendum called by the board  
10 when the proposed levy of ad valorem taxes exceeds the amount  
11 authorized by prior special act, general law of local  
12 application, or county ordinance approved by referendum.  
13 Nothing in this act shall require a referendum on the levy of  
14 ad valorem taxes in an amount previously authorized by special  
15 act, general law of local application, or county ordinance  
16 approved by referendum. Such tax shall be assessed, levied,  
17 and collected in the same manner as county taxes. The levy of  
18 ad valorem taxes approved by referendum shall be reported  
19 within 60 days after the vote to the Department of Community  
20 Affairs.

21 (2) NON-AD VALOREM ASSESSMENTS.--A district may levy  
22 non-ad valorem assessments as defined in s. 197.3632, Florida  
23 Statutes, to construct, operate, and maintain district  
24 facilities and services. The rate of such assessments must be  
25 fixed by resolution of the board pursuant to the procedures  
26 contained in section 10. Non-ad valorem assessment rates set  
27 by the board may exceed the maximum rates established by  
28 special act, county ordinance, the previous year's resolution,  
29 or referendum in an amount not to exceed the average annual  
30 growth rate in Florida personal income over the previous 5  
31 years. Non-ad valorem assessment rate increases within the

1 personal income threshold are deemed to be within the maximum  
 2 rate authorized by law at the time of initial imposition.  
 3 Proposed non-ad valorem assessment increases which exceed the  
 4 rate set the previous fiscal year or the rate previously set  
 5 by special act or county ordinance, whichever is more recent,  
 6 by more than the average annual growth rate in Florida  
 7 personal income over the last 5 years, or the first-time levy  
 8 of non-ad valorem assessments in a district, must be approved  
 9 by referendum of the electors of the district. The referendum  
 10 on the first-time levy of a assessment shall include a notice  
 11 of the future non-ad valorem assessment rate increases  
 12 permitted by this act without a referendum. Non-ad valorem  
 13 assessments shall be imposed, collected, and enforced pursuant  
 14 to section 10.

15 (3) USER CHARGES.--

16 (a) The board may provide a reasonable schedule of  
 17 charges for special emergency services, including firefighting  
 18 occurring in or to structures outside the district, motor  
 19 vehicles, marine vessels, aircraft, or rail cars, or as a  
 20 result of the operation of such motor vehicles or marine  
 21 vessels, to which the district is called to render such  
 22 emergency service, and may charge a fee for the services  
 23 rendered in accordance with the schedule.

24 (b) The board may provide a reasonable schedule of  
 25 charges for fighting fires occurring in or at refuse dumps or  
 26 as a result of an illegal burn, which fire, dump, or burn is  
 27 not authorized by general or special law, rule, regulation,  
 28 order, or ordinance and which the district is called upon to  
 29 fight or extinguish.

30 (c) The board may provide a reasonable schedule of  
 31 charges for responding to or assisting or mitigating



1 emergencies that either threaten or could threaten the health  
2 and safety of persons, property, or the environment, to which  
3 the district has been called, including a charge for  
4 responding to false alarms.

5 (d) The board may provide a reasonable schedule of  
6 charges for inspecting structures, plans, and equipment to  
7 determine compliance with firesafety codes and standards.

8 (e) The district shall have a lien upon any real  
9 property, motor vehicle, marine vessel, aircraft, or rail car  
10 for any charge assessed under this subsection.

11 (4) IMPACT FEES.--If the general purpose local  
12 government has not adopted an impact fee for fire services  
13 which is distributed to the district for construction within  
14 its jurisdictional boundaries, and the Legislature has  
15 authorized independent special fire control districts to  
16 impose impact fees by special act or general law other than  
17 this act, the board may establish a schedule of impact fees in  
18 compliance with any standards set by general law for new  
19 construction to pay for the cost of new facilities and  
20 equipment, the need for which is in whole or in part the  
21 result of new construction. The impact fees collected by the  
22 district under this subsection shall be kept separate from  
23 other revenues of the district and must be used exclusively to  
24 acquire, purchase, or construct new facilities or portions  
25 thereof needed to provide fire protection and emergency  
26 services to new construction. As used in this subsection,  
27 "new facilities" means land, buildings, and capital equipment,  
28 including, but not limited to, fire and emergency vehicles,  
29 radiotelemetry equipment, and other firefighting or rescue  
30 equipment. The board shall maintain adequate records to  
31 ensure that impact fees are expended only for permissible new

1 facilities or equipment. The board may enter into agreements  
2 with general purpose local governments to share in the  
3 revenues from fire protection impact fees imposed by such  
4 governments.

5 Section 10. Procedures for the levy and collection of  
6 non-ad valorem assessments.--

7 (1) A district may provide for the levy of non-ad  
8 valorem assessments under this act on the lands and real  
9 estate benefited by the exercise of the powers authorized by  
10 this act, or any part thereof, for all or any part of the cost  
11 thereof. Non-ad valorem assessments may be levied only on  
12 benefited real property at a rate of assessment based on the  
13 special benefit accruing to such property from such services  
14 or improvements. The district may use any assessment  
15 apportionment methodology that meets fair apportionment  
16 standards.

17 (2) The board may determine to exercise any power  
18 authorized by this act and defray the whole or any part of the  
19 expense thereof by non-ad valorem assessments. A district  
20 shall adopt a non-ad valorem assessment roll pursuant to the  
21 procedures contained in this section or in s. 197.3632,  
22 Florida Statutes, if:

23 (a) The non-ad valorem assessment is levied for the  
24 first time;

25 (b) The non-ad valorem assessment is increased beyond  
26 the maximum rate authorized by general law or special act at  
27 the time of initial imposition as defined in section 9;

28 (c) The district's boundaries have changed, unless all  
29 newly affected property owners have provided written consent  
30 for such assessment to the board; or

31

1           (d) There is a change in the purpose for such  
 2 assessment or in the use of the revenue generated by such  
 3 assessment.  
 4  
 5 The board shall so declare by resolution stating the nature of  
 6 the proposed service, the location of any capital facilities,  
 7 personnel, and equipment needed to provide the service, and  
 8 any other projected expense of providing the service or  
 9 improvement, and the part or portion of the expense thereof to  
 10 be paid by non-ad valorem assessments, the manner in which the  
 11 assessments shall be made, when the assessments are to be  
 12 paid, and what part, if any, shall be apportioned to be paid  
 13 from other revenues or funds of the district. The resolution  
 14 shall also designate the lands upon which the non-ad valorem  
 15 assessments shall be levied. Such lands may be designated by  
 16 an assessment plat. The resolution shall also state the total  
 17 estimated costs of the service or improvement. The estimated  
 18 cost may include the cost of operations, including personnel,  
 19 equipment, construction or reconstruction, the cost of all  
 20 labor and materials, the cost of all lands, property, rights,  
 21 easements, and franchises acquired, financing charges,  
 22 interest prior to and during construction and for 1 year after  
 23 completion of construction, discount on the sale of assessment  
 24 bonds, cost of plans and specifications, surveys of estimates  
 25 of costs and of revenues, cost of engineering and legal  
 26 services, and all other expenses necessary or incident to  
 27 determining the feasibility or practicability of the  
 28 construction or reconstruction, administrative expense, and  
 29 such other expense as may be necessary or incident to the  
 30 financing authorized by this act.  
 31

1           (3) At the time of the adoption of the resolution  
 2 provided for in subsection (2), there shall be on file at the  
 3 district's offices an assessment plat showing the area to be  
 4 assessed, with construction and operational plans and  
 5 specifications, and an estimate of the cost of the proposed  
 6 service or improvement, which assessment plat, plans, and  
 7 specifications and estimate shall be open to the inspection of  
 8 the public.

9           (4) Upon adoption of the resolution provided for in  
 10 subsection (2) or completion of the preliminary assessment  
 11 roll provided for in subsection (5), whichever is later, the  
 12 board shall publish notice of the resolution once in a  
 13 newspaper of general circulation in each county in which the  
 14 district is located. The notice shall state in brief and  
 15 general terms a description of the proposed service or  
 16 improvements and that the plans, specifications, and estimates  
 17 are available to the public at the district's offices. The  
 18 notice shall also state the date and time of the hearing to  
 19 hear objections provided for in subsection (7), which hearing  
 20 shall be no earlier than 15 days after publication of the  
 21 notice. The publication shall be verified by the affidavit of  
 22 the publisher and filed with the secretary to the board.

23           (5) Upon the adoption of the resolution provided for  
 24 in subsection (2), the board shall cause to be made a  
 25 preliminary assessment roll in accordance with the method of  
 26 assessment provided for in the resolution. The assessment  
 27 roll shall show the lots and lands assessed and the amount of  
 28 the benefit to and the assessment against each lot or parcel  
 29 of land, and, if the assessment is to be paid in installments,  
 30 the number of annual installments in which the assessment is  
 31

1 divided shall also be entered and shown upon the assessment  
 2 roll.

3 (6) Upon the completion of the preliminary assessment  
 4 roll, the board shall by resolution fix a time and place at  
 5 which the owners of the property to be assessed or any other  
 6 persons interested therein may appear before the board and be  
 7 heard as to the advisability of providing the service or  
 8 making the improvements, as to the cost thereof, as to the  
 9 manner of payment therefor, and as to the amount thereof to be  
 10 assessed against each property so improved. Ten days' notice  
 11 in writing of the time and place shall be given to the  
 12 property owners. The notice shall include the amount of the  
 13 assessment and shall be served by mailing a copy to each of  
 14 the property owners at his or her last known address, the  
 15 names and addresses of the property owners to be obtained from  
 16 the records of the property appraiser, and proof of such  
 17 mailing to be made by the affidavit of the secretary.

18 (7) At the time and place named in the notice provided  
 19 for in subsection (4), the board shall meet and hear testimony  
 20 from affected property owners as to the advisability of  
 21 providing the service or making the improvements and funding  
 22 them with non-ad valorem assessments on property. Following  
 23 the testimony, the board shall make a final decision on  
 24 whether to levy the non-ad valorem assessments, adjusting  
 25 assessments as may be warranted by information received at or  
 26 prior to the hearing. If any property which may be chargeable  
 27 under this section has been omitted from the preliminary roll  
 28 or if the prima facie assessment has not been made against it,  
 29 the board may place on the roll an apportionment to that  
 30 property. The owners of any property so added to the  
 31 assessment roll shall be mailed a copy of the notice provided

1 for in subsection (6), and granted 15 days from the date of  
2 mailing to file any objections with the board. When so  
3 approved by resolution of the board, a final assessment roll  
4 shall be filed with the vice chair of the board, and the  
5 assessments shall stand confirmed and remain legal, valid, and  
6 binding first liens upon the property against which the  
7 assessments are made until paid. The assessment so made shall  
8 be final and conclusive as to each lot or parcel assessed  
9 unless proper steps are taken within 30 days after the filing  
10 of the final assessment roll in a court of competent  
11 jurisdiction to secure relief. If the assessment against any  
12 property is sustained or reduced or abated by the court, the  
13 vice chair shall note that fact on the assessment roll  
14 opposite the description of the property affected and notify  
15 the county property appraiser and the tax collector in  
16 writing. The amount of the non-ad valorem assessment against  
17 any lot or parcel which may be abated by the court, unless the  
18 assessment upon the entire district is abated, or the amount  
19 by which the assessment is so reduced, may by resolution of  
20 the board be made chargeable against the district at large,  
21 or, at the discretion of the board, a new assessment roll may  
22 be prepared and confirmed in the manner provided in this  
23 section for the preparation and confirmation of the original  
24 assessment roll. The board may by resolution grant a discount  
25 equal to all or a part of the payee's proportionate share of  
26 the cost of a capital project consisting of bond financing  
27 costs, such as capitalized interest, funded reserves, and bond  
28 discount included in the estimated cost of the project, upon  
29 payment in full of any assessment during the period prior to  
30 the time the financing costs are incurred as may be specified  
31 by the board.

1           (8) The non-ad valorem assessments:

2           (a) Shall be payable at the time and in the manner  
3 stipulated in the resolution providing for the improvement or  
4 services.

5           (b) Shall remain liens, co-equal with the lien of all  
6 state, county, district, and municipal taxes, superior in  
7 dignity to all other liens, titles, and claims, until paid.

8           (c) Shall bear interest as provided by s. 170.09 or,  
9 if bonds have been issued, at a rate not to exceed 1 percent  
10 above the rate of interest at which the bonds authorized  
11 pursuant to this act and used for a capital improvement are  
12 sold, from the date of the acceptance of the improvement.

13           (d) May, by resolution and only for capital outlay  
14 projects, be made payable in equal installments over a period  
15 not to exceed 20 years, to which, if not paid when due, there  
16 shall be added a penalty at the rate of 1 percent per month,  
17 until paid.

18  
19 However, the assessments may be paid without interest at any  
20 time within 30 days after the improvement is completed and a  
21 resolution accepting the same has been adopted by the board.

22           (9) The non-ad valorem assessments approved by the  
23 board may be levied, assessed, and collected pursuant to ss.  
24 197.363-197.3635, Florida Statutes. The collection and  
25 enforcement of the non-ad valorem assessment levied by the  
26 district shall be at the same time and in like manner as  
27 county taxes.

28           (10) All assessments shall constitute a lien upon the  
29 property so assessed from the date of confirmation of the  
30 resolution ordering the improvement of the same nature and to  
31 the same extent as the lien for general county, municipal, or

1 district taxes falling due in the same year or years in which  
2 such assessments or installments thereof fall due, and any  
3 assessment or installment not paid when due shall be collected  
4 with such interest and with a reasonable attorney's fee and  
5 costs, but without penalties, by the district by proceedings  
6 in a court of equity to foreclose the lien of assessment as a  
7 lien for mortgages is or may be foreclosed under the laws of  
8 the state, provided any such proceedings to foreclose shall  
9 embrace all installments of principal remaining unpaid with  
10 accrued interest thereon, which installments shall, by virtue  
11 of the institution of such proceedings immediately become due  
12 and payable. If, prior to any sale of the property under  
13 decree of foreclosure in such proceedings, payment is made of  
14 the installment or installments which are shown to be due  
15 under the provisions of the resolution passed pursuant to  
16 subsection (9) and this subsection, and all costs including  
17 attorney's fees, the payment shall have the effect of  
18 restoring the remaining installments to their original  
19 maturities and the proceedings shall be dismissed. The  
20 district shall enforce the prompt collection of assessments by  
21 the means provided in this section and this duty may be  
22 enforced at the suit of any holder of bonds issued under this  
23 act in a court of competent jurisdiction by mandamus or other  
24 appropriate proceedings or action. Not later than 30 days  
25 after annual installments are due and payable, the board shall  
26 direct the attorney or attorneys whom the board shall  
27 designate to institute actions within 3 months after such  
28 direction to enforce the collection of all non-ad valorem  
29 assessments remaining due and unpaid at the time of such  
30 direction. Such action shall be prosecuted in the manner and  
31 under the conditions in and under which mortgages are



1 foreclosed under the laws of the state. It is lawful to join  
 2 in one action the collection of assessments against any or all  
 3 property assessed by virtue of the same assessment roll unless  
 4 the court deems such joinder prejudicial to the interest of any  
 5 defendant. The court shall allow a reasonable attorney's fee  
 6 for the attorney or attorneys of the district, and the fee  
 7 shall be collectible as a part of or in addition to the costs  
 8 of the action. At the sale pursuant to decree in any such  
 9 action, the district may be a purchaser to the same extent as  
 10 an individual person or corporation, except that the part of  
 11 the purchase price represented by the assessments sued upon  
 12 and the interest thereon need not be paid in cash. Property  
 13 so acquired by the district may be sold or otherwise disposed  
 14 of, the proceeds of such disposition to be placed in the fund  
 15 provided for by subsection (11), provided no sale or other  
 16 disposition thereof shall be made unless the notice calling  
 17 for bids therefor to be received at a stated time and place  
 18 was published in a newspaper of general circulation in the  
 19 district once in each of 4 successive weeks prior to such  
 20 disposition.

21 (11) All assessments and charges made under the  
 22 provisions of this section for the payment of all or any part  
 23 of the cost of any improvements for which assessment bonds  
 24 have been issued under the provisions of this act are hereby  
 25 pledged to the payment of the principal of and the interest on  
 26 the assessment bonds and shall, when collected, be placed in a  
 27 separate fund, properly designated, which fund shall be used  
 28 for no other purpose than the payment of such principal and  
 29 interest.

30 Section 11. District issuance of bonds, notes, bond  
 31 anticipation notes, or other evidences of indebtedness.--

1           (1) A district may issue general obligation bonds,  
 2 assessment bonds, revenue bonds, notes, bond anticipation  
 3 notes, or other evidences of indebtedness to finance all or a  
 4 part of any proposed improvements authorized to be undertaken  
 5 under this act or under general or special law, provided the  
 6 total annual payments for the principal and interest on such  
 7 indebtedness shall not exceed 50 percent of the total annual  
 8 budgeted revenues of the district. The bonds shall be issued  
 9 in such denominations, mature on such dates and in such  
 10 amounts, and may be subject to optional and mandatory  
 11 redemption as determined by resolutions adopted by the board.  
 12 Bonds of the district may bear interest at a fixed or floating  
 13 or adjustable rate and may be issued as interest bearing,  
 14 interest accruing bonds, or zero coupon bonds at such rate or  
 15 rates, not exceeding the maximum rate permitted by general  
 16 law, as determined by resolutions of the board. Principal and  
 17 interest shall be payable in the manner determined by the  
 18 board. The bonds shall be signed by manual or facsimile  
 19 signature of the chair or vice chair of the board, attested  
 20 with the seal of the district and by the manual or facsimile  
 21 signature of the secretary or assistant secretary of the  
 22 board.

23           (2) The bonds shall be payable from the non-ad valorem  
 24 assessments or other non-ad valorem revenues, including,  
 25 without limitation, user fees or charges or rental income  
 26 authorized to be levied or collected or received pursuant to  
 27 this act or general law. General obligation bonds payable  
 28 from ad valorem taxes may also be issued by the district, but  
 29 only after compliance with s. 12, Art. VII of the State  
 30 Constitution. Subject to referendum approval, a district may  
 31 pledge its full faith and credit for the payment of principal

1 and interest on such general obligation bonds and for any  
2 reserve funds provided therefor and may unconditionally and  
3 irrevocably pledge itself to levy ad valorem taxes on all  
4 property in the district to the extent necessary for the  
5 payment thereof. A district is authorized, after notice and  
6 opportunity to be heard has been afforded to those affected,  
7 to impose, charge, and collect non-ad valorem revenues in  
8 connection with any of the improvements authorized under this  
9 act and to pledge the same for the payment of bonds.

10 (3) In connection with the sale and issuance of bonds,  
11 the district may enter into any contracts which the board  
12 determines to be necessary or appropriate to achieve a  
13 desirable effective interest rate in connection with the bonds  
14 by means of, but not limited to, contracts commonly known as  
15 investment contracts, funding agreements, interest rate swap  
16 agreements, currency swap agreements, forward payment  
17 conversion agreements, futures, or contracts providing for  
18 payments based on levels of or changes in interest rates, or  
19 contracts to exchange cash flows or a series of payments, or  
20 contracts, including, without limitation, options, puts, or  
21 calls to hedge payment, rate, spread, or similar exposure.  
22 Such contracts or arrangements may also be entered into by the  
23 district in connection with, or incidental to, entering into  
24 any agreement which secures bonds or provides liquidity  
25 therefor. Such contracts and arrangements shall be made upon  
26 the terms and conditions established by the board, after  
27 giving due consideration for the credit worthiness of the  
28 counterparties, where applicable, including any rating by a  
29 nationally recognized rating service or any other criteria as  
30 may be appropriate.

31

1           (4) In connection with the sale and issuance of the  
 2 bonds, or entering into any of the contracts or arrangements  
 3 referred to in subsection (3), the district may enter into  
 4 such credit enhancement or liquidity agreements, with such  
 5 payment, interest rate, security, default, remedy, and any  
 6 other terms and conditions as the board shall determine.

7           (5) Notwithstanding any provisions of law relating to  
 8 the investment or reinvestment of surplus funds of any  
 9 governmental unit, proceeds of the bonds and any money set  
 10 aside or pledged to secure payment of the principal of,  
 11 premium, if any, and interest on the bonds, or any of the  
 12 contacts entered into pursuant to subsection (3), may be  
 13 invested in securities or obligations described in the  
 14 resolution providing for the issuance of bonds.

15           (6) The bonds shall be sold in any manner not  
 16 inconsistent with general law, shall show the purpose for  
 17 which they are issued, and shall be payable out of the money  
 18 pledged therefor. The funds derived from the sale of said  
 19 bonds or any of them shall be used for the purpose of paying  
 20 the cost of the services or improvements and such costs,  
 21 expenses, fees, and salaries as may be authorized by law.

22           (7) Non-ad valorem assessments or any portion thereof  
 23 levied to pay principal on bonds issued pursuant to this act  
 24 with respect to improvements financed therewith shall not  
 25 exceed the benefits assessed regarding such works or  
 26 improvements. If the bonds are sold at a discount, the amount  
 27 of the discount shall be treated as interest, not as  
 28 principal. Premiums payable upon the redemption of bonds  
 29 shall also be treated as interest. Interest to accrue on  
 30 account of issuing bonds shall not be construed as a part of  
 31 the costs of the works or improvements in determining whether

1 or not the costs of making such improvements are equal to or  
 2 in excess of the benefits assessed. If the property appraiser  
 3 and tax collector deduct their fees and charges from the  
 4 amount of non-ad valorem assessments levied and collected, and  
 5 if the landowners receive the statutorily permitted discount  
 6 for early payment of such non-ad valorem assessments, the  
 7 amount of such fees, charges, and discount shall not be  
 8 included in the amount of non-ad valorem assessments levied by  
 9 the district in determining whether such assessments are equal  
 10 to or in excess of the benefits assessed.

11 (8) Any district created or organized under any  
 12 general or special law may, whenever in the judgment of the  
 13 board it is advisable and in the best interests of the  
 14 landowners in the district, issue bonds to refund any or all  
 15 of the then outstanding bonded indebtedness of the district.

16 (9) The principal amount of refunding bonds may be in  
 17 any amount not in excess of the benefits assessed against the  
 18 lands with respect to which the refunded bonds were issued  
 19 less the principal amount of the refunded bonds previously  
 20 paid from non-ad valorem assessments. The proceeds of such  
 21 refunding bonds shall be used only to pay the principal,  
 22 premium, if any, and interest on the bonds to be refunded, any  
 23 discount or expense of the sale of the refunding bonds, and to  
 24 provide a debt service reserve fund for the refunding bonds.  
 25 The district may also use other available revenues to pay  
 26 costs associated with the issuance or administration of the  
 27 refunding bonds.

28 (10) Assessments shall be levied for the payment of  
 29 the refunding bonds in the same manner as the assessments  
 30 levied for the refunded bonds and the refunding bonds shall be  
 31 secured by the same lien as the refunded bonds, and any

1 additional interest which accrues on account of the refunding  
2 bonds shall be included and added to the original assessment  
3 and shall be secured by the same lien, provided any interest  
4 accrued shall not be considered as a part of the cost of  
5 construction in determining whether the assessment exceeds the  
6 benefits assessed.

7 (11) No proceedings shall be required for the issuance  
8 of bonds or refunding bonds other than those provided by this  
9 section and by general law.

10 Section 12. Intergovernmental coordination.--

11 (1) The fire chiefs of each county are urged to  
12 organize and meet as a county fire chiefs' association to  
13 coordinate the planning and activities of all entities that  
14 provide fire protection and suppression services. The  
15 association may elect officers and meet at least biannually.

16 (2) Each independent special fire control district  
17 shall adopt a 5-year plan to identify the facilities,  
18 equipment, personnel, and revenue needed by the district  
19 during that 5-year period. The plan shall be updated in  
20 accordance with s. 189.415, Florida Statutes, and shall  
21 satisfy the requirement for a public facilities report  
22 required by s. 189.415(2), Florida Statutes.

23 Section 13. District creation, expansion, and  
24 merger.--

25 (1) New districts may be created only by the  
26 Legislature under s. 189.404, Florida Statutes.

27 (2) The boundaries of a district may be modified,  
28 extended, or enlarged upon approval or ratification by the  
29 Legislature.

30 (3) The merger of a district with all or portions of  
31 other independent special districts or dependent fire control

1 districts is effective only upon ratification by the  
2 Legislature. A district may not, solely by reason of a merger  
3 with another governmental entity, increase ad valorem taxes on  
4 property within the original limits of the district beyond the  
5 maximum established by the district's enabling legislation,  
6 unless approved by the electors of the district by referendum.

7 Section 14. Subsection (3) of section 316.072, Florida  
8 Statutes, is amended to read:

9 316.072 Obedience to and effect of traffic laws.--

10 (3) OBEDIENCE TO POLICE AND FIRE DEPARTMENT

11 OFFICIALS.--It is unlawful and a misdemeanor of the second  
12 degree, punishable as provided in s. 775.082 or s. 775.083,  
13 for any person willfully to fail or refuse to comply with any  
14 lawful order or direction of any law enforcement officer,  
15 traffic accident investigation officer as described in s.  
16 316.640, traffic infraction enforcement officer as described  
17 in s. 318.141, or member of the fire department at the scene  
18 of a fire, rescue operation, or other emergency.

19 Notwithstanding the provisions of this paragraph, certified  
20 emergency medical technicians or paramedics may respond to the  
21 scene of emergencies and may provide emergency medical  
22 treatment on the scene and provide transport of patients in  
23 the performance of their duties for an emergency medical  
24 services provider licensed under chapter 401 and in accordance  
25 with any local emergency medical response protocols.

26 Section 15. Codification.--Each fire control district  
27 existing on the effective date of this section, by December 1,  
28 2001, or when any act relating to such district is introduced  
29 to the Legislature, whichever is first, shall submit to the  
30 Legislature a draft codified charter, at its expense, so that  
31 its special acts may be codified into a single act for

1 reenactment by the Legislature, if there is more than one  
2 special act for the district. Any codified act relating to a  
3 district, which act is submitted to the Legislature for  
4 reenactment, shall provide for the repeal of all prior special  
5 acts of the Legislature relating to the district. The codified  
6 act shall be filed with the Department of Community Affairs  
7 pursuant to s. 189.418(2), Florida Statutes.

8           Section 16. This act shall take effect upon becoming a  
9 law.

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